# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Conlon *et al.* CONFIRMATION NO.: 8081

APPLICATION NO.: 10/733,871 GROUP NO.: 1797

FILING DATE: December 11, 2003 EXAMINER: Wallenhorst, Maureen

TITLE: Multi-Analyte Reference Solutions

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

## COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Dear Sir:

This paper accompanies payment of the issue fee for the above-identified application.

In a telephone call between Examiner Maureen Wallenhorst and the undersigned representative on July 24, 2008, the Examiner clarified that the subject matter of each allowed independent claim is patentable. The Examiner indicated that each claim was also patentable because none of the art of record teaches a reference solution having a conductivity corresponding to a known hematocrit level of a blood sample.

In view of the Examiner's statement of reasons for allowance of the pending claims in the above-identified application, it is Applicants' understanding that this application is being allowed because none of the prior art of record teaches or fairly suggests a reference solution comprising 7-15% of a water soluble polymer by weight, 6-10% of a glycol by weight, and 5-10% of a polysaccharide by weight, where the reference solution has a conductivity corresponding to a known hematocrit level of a blood sample.

Further, based on the Examiner's statement, it is Applicants' understanding that this application is being allowed because none of the prior art of record teaches or fairly suggests a reference solution comprising 7-15% polyethylene glycol by weight, 6-10% ethylene glycol by weight, and 5-10% dextran by weight, where the reference solution has a conductivity corresponding to a known hematocrit level of a blood sample.

Further, based on the Examiner's statement, it is Applicants' understanding that this application is being allowed because none of the prior art of record teaches or fairly suggests a reference solution comprising 7-11% polyethylene glycol by weight and 5-9% dextran by weight, wherein the dextran has a molecular weight ranging from about 8,000 to about 40,000 and the reference solution has a conductivity corresponding to a known hematocrit level of a blood sample.

Further, based on the Examiner's statement, it is Applicants' understanding that this application is being allowed because none of the prior art of record teaches or fairly suggests a method of calibrating an instrument that analyzes biological samples comprising introducing a reference solution to the instrument, the reference solution comprising a water soluble polymer, a glycol, and a polysaccharide, wherein the reference solution has a conductivity corresponding to a known hematocrit level; obtaining a signal from the instrument corresponding to a conductivity of the reference solution; and adjusting the instrument so that the signal obtained from the instrument is representative of the conductivity corresponding to the known hematocrit level of a blood sample.

The Examiner is invited to telephone the undersigned representative if she has any questions regarding this submission.

Respectfully submitted,

Dated: August 6, 2008

/Crystal A. Komm/

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